

Form PTO-1390  
(Rev. 5-93)

US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NO.

**H 3190 PCT/US****TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known sec. 17 CFR 1.5)

**09/554386**

INTERNATIONAL APPLICATION NO.

**PCT/EP98/07057**

INTERNATIONAL FILING DATE

**November 5, 1998**

PRIORITY DATE CLAIMED

**November 14, 1997**

TITLE OF INVENTION

**USE OF SELECTED PHYTOSTENOL ESTERS FOR PRODUCING HYPOCHOLESTERAEMIC  
PREPARATIONS**

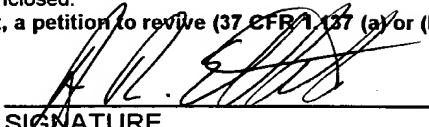
APPLICANT(S) FOR DO/EO/US

**Bernd Fabry**

Applicant herewith submits to the United States Designated/Elected Office (EO/DO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).
  4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
    - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☒ has been transmitted by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **(UNEXECUTED)**
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☒ A **FIRST** preliminary amendment
 ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  14. ☐ A substitute specification.
  15. ☐ A change of power of attorney and/or address letter.
  16. ☐ Other items or information.:

**"Express Mail Post Office to Addressee" service Mailing Label Number**  
**EL541612054US**

U.S. Application No. (If known see CFR 1.30) <b>09/554386</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP98/07057</b>	ATTORNEY'S DOCKET NUMBER <b>H 3190 PCT/US</b>																																																											
17. <input checked="" type="checkbox"/> The following fees are submitted: <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO..... <b>\$840.00</b>  International preliminary examination fee paid to USPTO (37CFR 1.482) ..... <b>\$670.00</b>  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37CFR 1.445(a)(2))..... <b>\$690.00</b>  Neither international preliminary examination fee (37CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... <b>\$970.00</b>  International preliminary examination fee paid to USPTO (37CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... <b>\$96.00</b>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">CALCULATIONS</th> <th colspan="2" style="width: 40%;">PTO USE ONLY</th> </tr> <tr> <td></td> <td style="width: 20%; text-align: right;">\$</td> <td style="width: 20%; text-align: right;"></td> </tr> <tr> <td></td> <td style="text-align: right;">840</td> <td style="text-align: right;">00</td> </tr> <tr> <td>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date 37 (CFR 1.492(e)).</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0 00</td> </tr> <tr> <td> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Claims</th> <th style="width: 20%;">Number filed</th> <th style="width: 20%;">Number Extra</th> <th style="width: 40%;">Rate</th> </tr> <tr> <td>Total Claims</td> <td>20 - 20 =</td> <td>0</td> <td>0 X \$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>2 - 3 =</td> <td>0</td> <td>0 X \$78.00</td> </tr> <tr> <td>Multiple dependent claims (s)(if applicable)</td> <td>0</td> <td></td> <td>+ \$260.00</td> </tr> </table> </td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0 00</td> </tr> <tr> <td><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">840 00</td> </tr> <tr> <td>Reduction by 1/2 for filing by small entity, if applicable. 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a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-1177</u> in the amount of <u>\$840.00</u> to cover the above fees. A triplicate copy of this sheet is enclosed. Order No. <u>00-0245</u> . c. <input checked="" type="checkbox"/> The Assistant Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1177</u> . A triplicate copy of this sheet is enclosed. <b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.437 (a) or (b)) must be filed and granted to restore the application to pending status.</b>  SEND ALL CORRESPONDENCE TO: Cognis Corporation, Law Dept. 2500 Renaissance Blvd, Suite 200 Gulph Mills, PA 19406			SIGNATURE  Aaron R. Ettelman NAME ATTORNEY FOR APPLICANT 42,516 REGISTRATION NUMBER																																																										